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**Security Council Committee established pursuant to resolution 1540 (2004)**

## Note verbale dated 30 August 2013 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and refers to his note of 27 February 2013.

The Permanent Mission of Colombia to the United Nations has the honour to submit the up-to-date information requested in the aforementioned note, in accordance with the relevant provisions of Security Council resolution 1977 (2011) (see annex).

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## Annex to the note verbale dated 30 August 2013 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

## National report of Colombia

### 1. Clarification or amendments to current information

**Item 4: National legislation and regulations**

We wish to replace the information under item 4 (National legislation and regulations), sub-item IV (Regulations concerning radioactive and/or nuclear materials), with the following:

**IV. Regulations concerning radioactive and/or nuclear materials**

As the regulating authority, the Ministry of Mines and Energy has issued the following regulations:

(a) Decision No. 181434 of 5 December 2002 (Regulation concerning radiation protection and safety), whereby Colombia adopted the Basic Safety Standards (BSS 115);

(b) Decision No. 181682 of 8 December 2005, whereby Colombia adopted the Regulations for the Safe Transport of Radioactive Material;

(c) In December 2009, the radioactive waste management policy was issued, the details of which are regulated by Decision No. 180005 (Regulation for the management of radioactive waste in Colombia). That regulation establishes the system of waste classification by management option and provides that class 2 waste (very-low-level waste) shall be managed at the point of generation;

(d) Decision No. 180052 of 21 January 2008. Categorization of radioactive sources: the categorization system is only applicable to sealed radioactive sources; it is not applicable to nuclear materials and unsealed radioactive sources are covered on a case-by-case basis. This system seeks to implement control systems with a graded approach, i.e. one that is commensurate with the degree of risk associated with each source;

(e) Licence for the handling of radioactive materials: any individual or legal entity, whether public or private, national or foreign, located or represented in Colombia and engaged in activities related to the use of radioactive materials in any field whatsoever within the jurisdiction of the Republic of Colombia, must have a licence issued by the Ministry of Mines and Energy or its delegated entity. Decision No. 181304 of 8 October 2004 and the amendments and additions to Decision No. 180208 of 25 February 2005 establish the minimum requirements and conditions for obtaining the licence;

(f) Inspection of facilities where radioactive materials are managed: as part of its monitoring and control activities, the national regulatory authority inspects facilities where radioactive materials are managed. To regulate these activities, the Ministry of Mines and Energy issued Decision No. 181478 on 12 November 2004, which establishes the procedure for inspecting or monitoring such facilities. Article 4 thereof was later amended through Decision No. 180208 of 25 February 2005;

(g) Import licence for radioactive materials: Decision No. 181419 of 4 November 2004 establishes the requirements and procedure for the issuance of import licences for all radioactive materials intended for medical, industrial, agricultural, veterinarian, commercial, research, teaching or other application or use across the country;

(h) The regulatory infrastructure for controlling radioactive materials is set up in accordance with the Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources. The philosophy behind such infrastructure is that of control throughout the life cycle of radioactive sources, from their manufacture to their management as obsolete sources or waste. Colombia's compliance with and implementation of the Code and Guidance, which are non-binding instruments, demonstrate its strong commitment to keeping radioactive materials in secure conditions;

(i) Given that nuclear materials, as defined in the Convention on the Physical Protection of Nuclear Material, fall beyond the scope of the rules governing authorization and control, and in order to regulate the licensing procedure for the operation of nuclear facilities in Colombia, on 12 November 2004, Decision No. 181475 was issued, establishing the licensing requirements for the operation, extended shutdown, modification and dismantling of such facilities.

All of these regulations, together with the international instruments in this field, are implemented by discharging the duties of a regulatory authority, namely licensing, monitoring and control.

The national regulatory authority's information system includes a national inventory of radioactive materials, which is updated and certified through the inspection process. This inventory includes approximately 400 facilities that currently work with radioactive sources (this number varies as facilities are commissioned and decommissioned). Ninety-six per cent of these facilities are licensed and are subject to periodic monitoring and controls, through the regular programme of inspections which is carried out in its entirety.

Colombia has only one nuclear facility, the IAN-R1 research reactor, which is authorized and subject to regulatory control inspections as well as international safeguards inspections. The facility's physical security mechanisms are in line with those established for this type of facility in the Convention on the Physical Protection of Nuclear Material.

Colombia also reports its nuclear material balance and complies with the provisions of the Protocol Additional to its Safeguards Agreement by authorizing the "complementary access" process and submitting extended reports pursuant to that instrument.

All facilities that worked with category 1 radioactive sources, at the time of the first report, had physical security mechanisms that applied the physical protection principles, i.e. prevention, delay and response. All of those mechanisms were acquired in cooperation with the Ministry of Mines and Energy and the United States Department of Energy, through the Global Threat Reduction Initiative. We are currently updating the mechanisms already installed in facilities and also installing new ones in new facilities. The programme has been extended to category 2 facilities focusing on Co-60, Ir-192, Cs-137 and other sources. Category 3 facilities

are also subject to these upgrades where deemed necessary following implementation of the aggregation principle.

## 2. Additional information or additional steps

### Item 3. Other initiatives

**International Health Regulations**

Colombia, as a State member of the World Health Organization, is implementing the International Health Regulations, which were adopted at the fifty-eighth World Health Assembly under resolution WHA58.3 and which entered into force on 15 June 2007. The purpose of these Regulations is to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international trade and traffic.

The implementation of these Regulations and other international instruments, such as the conventions to ban biological, chemical and nuclear weapons, has been strengthened. By Decree No. 3518 of 2006, Colombia established its National Focal Point for the comprehensive management of biological, chemical and nuclear radiation risks in the event of an accident or an intentional incident (deliberate act).

**Cartagena Protocol on Biosafety to the Convention on Biological Diversity**

By Act No. 740 of 2002, Colombia incorporated into its domestic legislation the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, whose objective is to help to ensure an adequate level of protection in the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health and focusing specifically on cross-border movements, in accordance with the precautionary approach outlined in Principle 15 of the Rio Declaration on Environment and Development.

### Item 4. Domestic legislation and regulations

## II. Criminal measures

*Act No. 599 of 2000*

- Article 330 (amended by article 31 of Act No. 1453 of 2011). Illicit handling and use of genetically modified organisms, microorganisms and elements: Any person who, in breach of existing regulations, introduces, manipulates, experiments with, injects or propagates molecular microorganisms, substances or elements that endanger the health or existence of fauna, flora or hydrobiological resources, or that alter their populations detrimentally, shall be liable to a term of imprisonment of between sixty (60) and one hundred and eight (108) months and a fine of between one hundred and thirty-three point three three (133.33) and fifteen thousand (15,000) times the current minimum statutory monthly wage.

  The same penalty shall be imposed on any person who, in breach of existing regulations, imports, introduces, manipulates, experiments with, or releases

genetically modified organisms that constitute a hazard to human health, the environment or biodiversity in Colombia.

Should such action result in disease, infection or genetic erosion in species, the penalty shall be increased by one third.

- Article 334 (amended by article 37 of Act No. 1453 of 2011). Illegal experimentation with species or biological or biochemical agents. Any person who, without the permission of the competent authority, or in breach of existing regulations, undertakes experiments with species or biological or biochemical agents that pose a risk to or endanger human health or the survival of species found in Colombia, shall be liable to a term of imprisonment of between sixty (60) and one hundred and forty-four (144) months and a fine of between one hundred and thirty-three point three three (133.33) and fifty thousand (50,000) times the current minimum statutory monthly wage.

- Article 361. Introduction of nuclear and toxic wastes. (Penalties increased by article 14 of Act No. 890 of 2004, as of 1 January 2005). The article with the increased penalties reads as follows: Any person who introduces nuclear or toxic waste into Colombia shall be liable to a term of imprisonment of between forty-eight (48) and one hundred and eighty (180) months and a fine of between one hundred and thirty-three point three three (133.33) and thirty thousand (30,000) times the current minimum statutory monthly wage.

- Article 362. Disruption of a nuclear or radioactive facility. (Penalties increased by article 14 of Act No. 890 of 2004, as of 1 January 2005). The article with the increased penalties reads as follows: Any person who by any means compromises the normal operations of a nuclear or radioactive facility shall be liable to a term of imprisonment of between forty-eight (48) and one hundred and forty-four (144) months and a fine of between one hundred and thirty-three point three three (133.33) and thirty thousand (30,000) times the current minimum statutory monthly wage.

- Article 363 (amended by article 14 of Act No. 890 of 2004). Trafficking in, transport and possession of radioactive materials or nuclear substances: Any person who, without permission from the relevant authorities, manufactures, transports, possesses, stockpiles, distributes, receives, sells, supplies or traffics radioactive materials or nuclear substances, uses waste from such materials or substances, or radioactive isotopes, shall be liable to a term of imprisonment of between thirty-two (32) and one hundred and eight (108) months and a fine of between twenty-six point six six (26.66) and one hundred and fifty (150) times the current minimum statutory monthly wage.

  The penalty shall be between forty-eight (48) and one hundred and forty-four (144) months and the fine shall be between sixty-six point six six (66.66) and three hundred (300) times the current minimum statutory monthly wage if any of the above actions causes the release of nuclear energy or radioactive elements that endanger peoples' lives, health or property.

- Article 369 (amended by article 2 of Act No. 1220 of 2008). Spreading of an epidemic: Any person who spreads an epidemic shall be liable to a term of imprisonment of between four (4) and ten (10) years.

## III. Trade-related matters

(a) Decree No. 0925 of 2013: Articles 23 and 25 state that import applications shall be assessed and a decision made by the Department for Foreign Trade of the Ministry of Trade, Industry and Tourism through its Single Window for Foreign Trade Unit, and indicate that the necessary formalities must be completed in advance to obtain permits and authorizations from the relevant authorities;

(b) Circular No. 50 of 2012 of the Ministry of Trade, Industry and Tourism "Clearance for the submission of applications for registration and import licences": annex 18 of this Circular lists products containing radioactive materials to be used for educational, industrial and medical research purposes which require a licence granted by the Colombian Geological Service to be imported into the country;

(c) Decrees Nos. 070 of 2001 and 4131 of 2011 and Decisions Nos. 181419 of 2004 and 181030 of 2007 regulate the issuance of licences for the importation of radioactive materials to be applied or used in Colombia;

(d) Upon obtaining a licence for the importation of radioactive material issued by the Colombian Geological Service, the importer shall initiate the registration or import licensing procedure through the Single Window for Foreign Trade Unit, submitting the document issued by that authority in the process;

(e) To apply for registration or for an import licence through the Single Window for Foreign Trade Unit, in box 28 of the application form, labelled "Request approval from authority", the importer must select code 07, the relevant code for the Colombian Geological Service, which issues import licences for radioactive materials, and shall indicate in that box the period of validity and the specific product item concerned;

(f) Annex 4 of Circular No. 50 of 2012 of the Ministry of Trade, Industry and Tourism lists products that may only be imported through Industria Militar, in accordance with Decree No. 2535 of 1993 and Regulatory Decree No. 1809 of 1994 on arms, ammunition, explosives and their accessories, Decree No. 334 of 2002 on raw materials for explosives, Act No. 525 of 1999 and Decree No. 1419 of 2002 establishing the National Authority for the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and for their Destruction.

## V. Regulatory instruments for Security Council resolutions

(a) Decision No. 265 of 2004, which set out the measures needed to comply with Security Council resolution 1540 (2004);

(b) Decision No. 079 of 2011, which set out the measures needed to comply with Security Council resolutions 1493 (2003), 1533 (2004), 1596 (2005), 1649 (2005), 1698 (2006), 1768 (2007), 1771 (2007), 1799 (2008), 1807 (2008), 1857 (2008), 1896 (2009) and 1952 (2010);

(c) Decision No. 123 of 2011, which set out the measures needed to comply with Security Council resolutions 1988 (2011) and 1989 (2011);

(d) Decision No. 034 of 2011, which set out the measures needed to comply with Security Council resolutions 1643 (2005), 1708 (2006), 1727 (2006), 1761 (2007), 1782 (2006), 1842 (2008), 1893 (2009) and 1946 (2010);

(e) Decision No. 076 of 2011, which set out the measures needed to comply with the provisions of Security Council resolutions 825 (1993), 1695 (2006), 1718 (2006), 1874 (2009) and 1928 (2010);

(f) Decision No. 033 of 2011, which set out the measures needed to comply with Security Council resolution 1636 (2005);

(g) Decision No. 032 of 2011, which set out the measures needed to comply with Security Council resolutions 660, 661 and 662 (1990) and 1518 (2003);

(h) Decision No. 030 of 2011, which set out the measures needed to comply with Security Council resolutions 751 (1992) and 1907 (2009);

(i) Decision No. 031 of 2011, which set out the measures needed to comply with Security Council resolutions 1556 (2004), 1591 (2005), 1665 (2006), 1779 (2007), 1841 (2008), 1891 (2009) and 1945 (2010);

(j) Decision No. 080 of 2011, which set out the measures needed to comply with Security Council resolutions 1970 (2011) and 1973 (2011).

**Item 5. Other national measures**

**I. Regulation of biologically hazardous materials**

*Act No. 1122 of 2007*

- Article 32: Public Health. Public health comprises the set of policies that aim to ensure the health of the population, in a comprehensive manner, through health actions aimed at individuals and the community alike, since the results are indicators of living conditions, well-being and development in the country. Such actions shall be carried out under the stewardship of the State and shall encourage the responsible participation of all sectors of the community.
- Article 33, paragraph 4: The technical capacity of National Health Institute shall be strengthened in order to carry out the following functions, in addition to those outlined in Decree No. 272 of 2004:

  (a) Define and implement the operating model of the System for Public Health Monitoring and Control in the General Social Security System for Health;

  (b) Carry out studies and research to assist the Ministry of Social Protection in its decision-making with regard to the National Health Plan.

- Article 34: Monitoring in some areas of public health. The National Institute for Food and Drug Monitoring, as a national health authority, in addition to duties stipulated in other legal provisions, is responsible for the following:

  (a) Assessment of risk factors and implementation of sanitary measures relating to food and raw materials for food production;

  (b) Exclusive power of inspection, monitoring and control of food production and processing, of plants grown for fodder, of milk collection centres and milk and dairy products processing plants, and of transport relating to these activities.

*Act No. 1438 of 2011*

This Act amends the General Social Security System for Health and sets out other provisions.

- Article 6: Ten-Year Plan for Public Health. The Ministry of Social Protection shall develop a Ten-Year Plan for Public Health through a process of broad community participation under the primary health care strategy. The Plan should contain sectoral policies to improve the health of the population, including mental health. The Ministry shall ensure that the process is fully participatory by promoting capacity-building for citizens and social organizations.

The Plan shall set out its purpose, goals, actions, resources, sectoral coordinators and follow-up indicators, as well as the mechanisms for its evaluation.

The Ministry may amend the Ten-Year Plan in accordance with the health priorities established based on an analysis of any public health event that may arise.

- Transitory paragraph: The first Ten-Year Plan shall enter into effect in 2012.

- Article 7: Cross-sectoral coordination: To develop the Ten-Year Plan under the primary health care strategy, all bodies that are part of the Social Protection System and other stakeholders that address the determinants of health shall work together in a coordinated manner, in line with the guidelines, criteria and mechanisms established by the National Council for Economic and Social Policy (CONPES) and the Ministry of Social Protection.

  Paragraph 1: For the purposes of coordination, a cross-sectoral public health commission shall be established and shall meet every six months to follow up on actions taken to manage the determinants of health; it shall inform CONPES accordingly.

  Paragraph 2: In the regions, the Plan shall be coordinated by regional social security councils, with the participation of institutions and organizations that address the determinants of health.

- Article 8: National Health Observatory. The Ministry of Social Protection shall establish the National Health Observatory, as a subsidiary body of the National Health Institute. The national Government shall adopt regulations setting out the organizational and operating structure of the National Health Observatory, the technical team and human resources needed for its operation, and shall allocate resources for its implementation.

*Decree No. 2676 of 2000, amended by Decrees Nos. 1669 of 2002 and 2676 of 2002*

The purpose of this decree is to regulate, with regard to the environment and health, the comprehensive management of hospital and similar waste, generated by individuals or legal entities. The decree applies to individuals or legal entities providing health-care services to humans and/or animals, and also to those who generate, identify, separate, deactivate, pack, collect, transport, stock, manage, supply, recover, transform, treat and dispose of hospital and similar waste when carrying out activities or using facilities relating to:

(a) The provision of health services, including health promotion, disease prevention, diagnosis, treatment and rehabilitation activities;

(b) Teaching and research with living organisms or cadavers;

(c) Animal facilities and biotechnology laboratories;

(d) Cemeteries, morgues, funeral homes and crematoriums;

(e) Surgeries, clinics, pharmacies, permanent make-up and/or tattoo parlours, veterinary laboratories, zoonosis and zoological centres;

(f) Pharmaceutical laboratories and medical supply manufacturing plants.

*Decree No. 4525 of 2005*

This decree regulates Act No. 740 of 2002, which applies to the transboundary movement, transit, handling and use of living modified organisms that may have adverse effects on the environment and biological diversity, taking into account risks to human health, productivity and agricultural production.

*Decree No. 2323 of 2006*

This decree partially regulates Act No. 9 of 1979 with regard to the National Network of Laboratories and sets out other provisions.

- Article 9. Areas of responsibility of national reference laboratories: The National Health Institute and the National Institute for Food and Drug Monitoring shall jointly coordinate the National Network of Laboratories and, in addition to their statutory areas of responsibility, shall perform the following functions:
  - Establish quality standards for the approval of institutions or laboratories that are responsible for assessing public health laboratories
  - Monitor compliance with quality standards by laboratories and institutions seeking approval to conduct public health assessments
- Article 20. Laboratory accreditation: Laboratories shall be accredited in accordance with the current regulations of the national standardization, certification and metrology system, without prejudice to compliance with industry standards on any topic selected by the Ministry of Social Protection.

  Paragraph: National reference laboratories and regional and capital-district public health laboratories shall focus their management efforts on the gradual implementation of the quality standards required for accreditation.

*Decree No. 3518 of 2006*

This decree establishes and regulates the Public Health Monitoring System and sets out other provisions.

- Article 20. Mandatory reporting: All members of the Public Health Monitoring System that produce public health information must report all events subject to mandatory reporting set out in the monitoring models and protocols, in accordance with both the data-generation, liability, classification, periodicity and end-use criteria established therein and the standards of quality, accuracy and timeliness of the information reported.

- Article 28. Special tests for the study of public health events: Laboratory tests needed to monitor public health shall comply with the requirements set out in the protocols for the diagnosis and/or confirmation of events and the rules governing the administration of such tests.

- Article 45. Control of infectious and toxic agents and materials, vectors and reservoirs: Comprises existing measures and procedures to control or eliminate infectious and toxic agents or materials, vectors and reservoirs, present in people, animals, plants, inert matter, consumer products or other inanimate objects, which may pose a risk to public health; these measures include disinfection, decontamination, disinfestation and pest control.

*Decision No. 1841 of 2013*

Decision No. 1841 of 2013 adopts the Ten-Year Public Health Plan 2012-2021, which sets out health policy for the next ten years and the programme of work, focusing on risk management and on addressing social determinants of health. The plan also establishes the areas of responsibility of health agencies and the coordination mechanisms in order to achieve these goals.

- Article 1. Ten-Year Public Health Plan: The Ten-Year Public Health Plan 2012-2021, as it appears in the Technical Annex, which is an integral part of the present decision, is hereby adopted. The members of the General Social Security System for Health and the Social Protection System must comply with the Plan, within their areas of responsibility and in accordance with their duties.

- Article 5. Harmonization of public policies and cross-sectoral coordination: In accordance with article 7, paragraph 1, of Act No. 1438 of 2011 and the regulations amending, supplementing or superseding it, the Intersectoral Commission on Public Health shall be responsible for coordinating, harmonizing and monitoring the management of the social determinants of health, and the development of public health policies.

The objectives of the Ten-Year Plan include:

### 7.6.2 Objectives relating to healthy living and communicable diseases

(a) Guarantee and uphold the right of the Colombian population to be free from communicable diseases throughout all stages of life and in everyday life by adopting a differentiated approach based on equity and promoting the positive transformation of endemic, epidemic, emerging, re-emerging and neglected situations and conditions, in order to foster human, social and sustainable development;

(b) Reduce, gradually and in a sustained manner, exposure to conditions and factors that pose environmental, health and biological risks, and promote the principles of accessibility, comprehensiveness, continuity, linkages and sustainability in dealing with contingencies and harm arising from communicable diseases;

(c) Establish conditions and build capacities in this and other sectors, organizations, institutions, health services and the community for the management

of plans, programmes and projects which reduce the exposure and specific vulnerabilities of the population to communicable diseases.

**7.7.2 Objective relating to public health in emergencies and disasters**

Promote systematic disaster risk management with a view to protecting people, communities and the environment, in order to raise awareness of, prevent, tackle and manage crisis situations, emergencies and disasters, and to strengthen the resilience and recovery capacity of communities by contributing to health security and the improvement of living conditions and the health of the population.

**7.7.3 Components relating to public health in emergencies and disasters**

Comprehensive emergency and disaster risk management.

Response to crisis situations, public health emergencies and disasters.

**7.7.3.1 Comprehensive emergency and disaster risk management**

*7.7.3.1.1 Definition of the component*

This component comprises the set of actions and interventions for the identification, prevention and mitigation of risks and vulnerabilities in the regions, which seek to anticipate the future risk of emergencies and disasters through the integration of development processes and sectoral, cross-sectoral and community planning. It involves strengthening the nation's ability to respond to disasters and reduce their impact on the health of Colombians, and to address unexpected public health events that could compromise the health of communities.

*7.7.3.1.2 Objectives under this component*

(a) Establish networks for the exchange of information and knowledge on the risk of all types of disasters, and on emergency and disaster planning, response measures, monitoring and evaluation of management and results;

(b) Reduce the existing and future risk of disasters in order to tackle the consequences of climate change;

(c) Maintain and strengthen basic monitoring and response capacity within the framework of the International Health Regulations (2005);

(d) Ensure that hospitals have access to safe, timely and sufficient supplies of blood and blood components.

## 3. Information on any measures your Government intends to take in the future

Colombia is working with the Inter-American Committee against Terrorism to put into effect its national action plan for the implementation of resolution 1540 (2004).

The National Disaster Risk Management Unit is currently leading the effort to develop a national disaster risk management plan for hazardous substances (biological, chemical and radiological), with the support and participation of the components of the National Disaster Risk Management System.

## 4. Up-to-date contacts for all matters relating to Security Council resolution 1540 (2004)

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